

Stephen D. Finestone (125675)
Jennifer C. Hayes (197252)
FINESTONE HAYES LLP
456 Montgomery Street, 20th Floor
San Francisco, California 94104
Tel. (415) 421-2624
Fax (415) 398-2820
sfinestone@fhlawllp.com

Attorneys for Debtor
Evander F. Kane

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re

EVANDER FRANK KANE

Debtor.

Case No. 21-50028

Chapter 7

**DECLARATION REGARDING
AMENDED SCHEDULES**

I, Evander F. Kane, declare as follows:

I am the debtor in this bankruptcy proceeding. Attached hereto are amended Schedules A/B and J. I believe these amended schedules are true and correct.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on February 18, 2021 in St. Louis, Missouri.

/s/ Evander F. Kane
Evander F. Kane

Fill in this information to identify your case and this filing:

Debtor 1 **Evander Frank Kane**
First Name Middle Name Last Name

Debtor 2
(Spouse, if filing) First Name Middle Name Last Name

United States Bankruptcy Court for the: **NORTHERN DISTRICT OF CALIFORNIA**

Case number **21-50028**

☒ Check if this is an amended filing

Official Form 106A/B**Schedule A/B: Property****12/15**

In each category, separately list and describe items. List an asset only once. If an asset fits in more than one category, list the asset in the category where you think it fits best. Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Each Residence, Building, Land, or Other Real Estate You Own or Have an Interest In**1. Do you own or have any legal or equitable interest in any residence, building, land, or similar property?**

- ☐ No. Go to Part 2.
- ☒ Yes. Where is the property?

1.1

2301 Richland Ave.

Street address, if available, or other description

San Jose CA 95125-0000

City State ZIP Code

Santa Clara

County

What is the property? Check all that apply

- ☒ Single-family home
- ☐ Duplex or multi-unit building
- ☐ Condominium or cooperative
- ☐ Manufactured or mobile home
- ☐ Land
- ☐ Investment property
- ☐ Timeshare
- ☐ Other _____

Who has an interest in the property? Check one

- ☐ Debtor 1 only
- ☐ Debtor 2 only
- ☐ Debtor 1 and Debtor 2 only
- ☒ At least one of the debtors and another

Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?**\$3,000,000.00****Current value of the portion you own?****\$3,000,000.00**

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Fee simple

☒ **Check if this is community property**
(see instructions)

Other information you wish to add about this item, such as local property identification number:

If you own or have more than one, list here:

1.2

3457 W. 35th Ave.

Street address, if available, or other description

Vancouver**BC**

City

State

ZIP Code

Canada

County

What is the property? Check all that apply

- ☒ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other _____

Who has an interest in the property? Check one

- ☐ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☒ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number:

2,078 square foot single family residence
5 bedroom, 1.5 bath

Value shown and debt is 100% even though debtor holds 50%Do not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

\$2,860,000.00

Current value of the portion you own?

\$2,860,000.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Joint tenant☐ Check if this is community property (see instructions)**If you own or have more than one, list here:**

1.3

8447 Isabel Place

Street address, if available, or other description

Vancouver**BC****00000-0000**

City

State

ZIP Code

Canada

County

What is the property? Check all that apply

- ☒ Single-family home
☐ Duplex or multi-unit building
☐ Condominium or cooperative
☐ Manufactured or mobile home
☐ Land
☐ Investment property
☐ Timeshare
☐ Other _____

Who has an interest in the property? Check one

- ☒ Debtor 1 only
☐ Debtor 2 only
☐ Debtor 1 and Debtor 2 only
☐ At least one of the debtors and another

Other information you wish to add about this item, such as local property identification number:

2,800 square foot home
5 bedroom, 3.5 bath

Value is in USD based upon exchange of .77 to 1 USDDo not deduct secured claims or exemptions. Put the amount of any secured claims on *Schedule D: Creditors Who Have Claims Secured by Property*.

Current value of the entire property?

\$2,400,000.00

Current value of the portion you own?

\$2,400,000.00

Describe the nature of your ownership interest (such as fee simple, tenancy by the entireties, or a life estate), if known.

Fee simple☐ Check if this is community property (see instructions)

2. Add the dollar value of the portion you own for all of your entries from Part 1, including any entries for pages you have attached for Part 1. Write that number here.....=>

\$8,260,000.00**Part 2: Describe Your Vehicles**Do you own, lease, or have legal or equitable interest in any vehicles, whether they are registered or not? Include any vehicles you own that someone else drives. If you lease a vehicle, also report it on *Schedule G: Executory Contracts and Unexpired Leases*.

3. Cars, vans, trucks, tractors, sport utility vehicles, motorcycles

- ☒ No
☐ Yes

4. Watercraft, aircraft, motor homes, ATVs and other recreational vehicles, other vehicles, and accessories

Examples: Boats, trailers, motors, personal watercraft, fishing vessels, snowmobiles, motorcycle accessories

- ☒ No
☐ Yes

5 Add the dollar value of the portion you own for all of your entries from Part 2, including any entries for pages you have attached for Part 2. Write that number here.....=>

\$0.00

Part 3: Describe Your Personal and Household Items

Do you own or have any legal or equitable interest in any of the following items?

Current value of the portion you own?
Do not deduct secured claims or exemptions.

6. Household goods and furnishings

Examples: Major appliances, furniture, linens, china, kitchenware

- ☐ No
☒ Yes. Describe.....

Household: couch, table, chairs, beds, silverwear, baby toys, crib

\$40,000.00

7. Electronics

Examples: Televisions and radios; audio, video, stereo, and digital equipment; computers, printers, scanners; music collections; electronic devices including cell phones, cameras, media players, games

- ☐ No
☒ Yes. Describe.....

Electronics: TVs, playstation, computer, printer

\$12,000.00

8. Collectibles of value

Examples: Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; stamp, coin, or baseball card collections; other collections, memorabilia, collectibles

- ☒ No
☐ Yes. Describe.....

9. Equipment for sports and hobbies

Examples: Sports, photographic, exercise, and other hobby equipment; bicycles, pool tables, golf clubs, skis; canoes and kayaks; carpentry tools; musical instruments

- ☐ No
☒ Yes. Describe.....

Miscellaneous sports equipment

\$1,250.00

10. Firearms

Examples: Pistols, rifles, shotguns, ammunition, and related equipment

- ☐ No
☒ Yes. Describe.....

Firearms: shotguns, hand guns, riffle

\$8,000.00

11. Clothes

Examples: Everyday clothes, furs, leather coats, designer wear, shoes, accessories

- ☐ No

☒ Yes. Describe.....**Clothes: clothes****\$20,000.00****12. Jewelry***Examples:* Everyday jewelry, costume jewelry, engagement rings, wedding rings, heirloom jewelry, watches, gems, gold, silver☒ No☐ Yes. Describe.....**13. Non-farm animals***Examples:* Dogs, cats, birds, horses☐ No☒ Yes. Describe.....**One dog****\$0.00****14. Any other personal and household items you did not already list, including any health aids you did not list**☒ No☐ Yes. Give specific information.....**15. Add the dollar value of all of your entries from Part 3, including any entries for pages you have attached for Part 3. Write that number here****\$81,250.00****Part 4: Describe Your Financial Assets****Do you own or have any legal or equitable interest in any of the following?****Current value of the portion you own?**
Do not deduct secured claims or exemptions.**16. Cash***Examples:* Money you have in your wallet, in your home, in a safe deposit box, and on hand when you file your petition☐ No☒ Yes.....**Cash:
emergency
cash****\$2,500.00****17. Deposits of money***Examples:* Checking, savings, or other financial accounts; certificates of deposit; shares in credit unions, brokerage houses, and other similar institutions. If you have multiple accounts with the same institution, list each.☐ No☒ Yes.....

Institution name:

17.1.

Checking Account: Bank of America**\$0.00**

17.2.

Checking Account: Wells Fargo**\$792.65**

17.3.

**Checking Account: Wells Fargo
Balance of account varies****\$35,000.00**

17.4.

**Checking -
estimate of balance
as of petition date**
**Scotia Bank
8377 Granville St.
Vancouver, BC****\$2,000.00**

17.5.	Savings account - estimated balance as of filing date	Scotia Bank 8377 Granville St. Vancouver, BC	\$0.00
17.6.	Checking	Royal Bank of Canada 1055 W. Georgia St. Vancouver, BC	\$11,103.00
17.7.	Account ending in 0532	Royal Bank of Canada 1055 W. Georgia St. Vancouver, BC	\$0.00

18. Bonds, mutual funds, or publicly traded stocks*Examples:* Bond funds, investment accounts with brokerage firms, money market accounts☒ No☐ Yes..... Institution or issuer name:**19. Non-publicly traded stock and interests in incorporated and unincorporated businesses, including an interest in an LLC, partnership, and joint venture**☐ No☒ Yes. Give specific information about them.....

Name of entity:

% of ownership:

Membership interests in Ascher Capital II and III LLC. Debtor purchased investments in two limited liability companies in connection with conservation tax easement acquisition. Debtor borrowed the funds for investment - \$750,000 and is uncertain whether lender (arranged by investment advisor) is secured as to investment and return.

uncertain %**Unknown**

**Lions Properties LLC
Entity has no assets**

**100%
ownership
with wife** %

\$0.00**Ownership of EK9 Marketing, LLC****100%** %**\$0.00****20. Government and corporate bonds and other negotiable and non-negotiable instruments***Negotiable instruments* include personal checks, cashiers' checks, promissory notes, and money orders.*Non-negotiable instruments* are those you cannot transfer to someone by signing or delivering them.☒ No☐ Yes. Give specific information about them

Issuer name:

21. Retirement or pension accounts*Examples:* Interests in IRA, ERISA, Keogh, 401(k), 403(b), thrift savings accounts, or other pension or profit-sharing plans☒ No☐ Yes. List each account separately.

Type of account:

Institution name:

22. Security deposits and prepayments

Your share of all unused deposits you have made so that you may continue service or use from a company

Examples: Agreements with landlords, prepaid rent, public utilities (electric, gas, water), telecommunications companies, or others☒ No☐ Yes.

Institution name or individual:

23. Annuities (A contract for a periodic payment of money to you, either for life or for a number of years)☒ No☐ Yes..... Issuer name and description.

24. Interests in an education IRA, in an account in a qualified ABLE program, or under a qualified state tuition program.

26 U.S.C. §§ 530(b)(1), 529A(b), and 529(b)(1).

☒ No☐ Yes..... Institution name and description. Separately file the records of any interests. 11 U.S.C. § 521(c):**25. Trusts, equitable or future interests in property (other than anything listed in line 1), and rights or powers exercisable for your benefit**☒ No☐ Yes. Give specific information about them...**26. Patents, copyrights, trademarks, trade secrets, and other intellectual property***Examples:* Internet domain names, websites, proceeds from royalties and licensing agreements☒ No☐ Yes. Give specific information about them...**27. Licenses, franchises, and other general intangibles***Examples:* Building permits, exclusive licenses, cooperative association holdings, liquor licenses, professional licenses☒ No☐ Yes. Give specific information about them...**Money or property owed to you?****Current value of the portion you own?**

Do not deduct secured claims or exemptions.

28. Tax refunds owed to you☐ No☒ Yes. Give specific information about them, including whether you already filed the returns and the tax years.....

Estimated return from purchase of tax conservation easement if allowed by IRS
Debtor does not know if potential creditor lien is perfected

Federal**\$1,800,000.00**

Refund due for payment of transfer tax on exempt real property transfer. Debtor paid taxes with transfer but a refund request should be processed.

Local**\$37,147.00****29. Family support***Examples:* Past due or lump sum alimony, spousal support, child support, maintenance, divorce settlement, property settlement☒ No☐ Yes. Give specific information.....**30. Other amounts someone owes you***Examples:* Unpaid wages, disability insurance payments, disability benefits, sick pay, vacation pay, workers' compensation, Social Security benefits; unpaid loans you made to someone else☒ No☐ Yes. Give specific information..**31. Interests in insurance policies***Examples:* Health, disability, or life insurance; health savings account (HSA); credit, homeowner's, or renter's insurance☐ No☒ Yes. Name the insurance company of each policy and list its value.

Company name:

Beneficiary:

Surrender or refund value:

Equitable Life Insurance
Whole Life Policy

Deanna Kane**\$9,304.00**

32. Any interest in property that is due you from someone who has died

If you are the beneficiary of a living trust, expect proceeds from a life insurance policy, or are currently entitled to receive property because someone has died.

☒ No☐ Yes. Give specific information..**33. Claims against third parties, whether or not you have filed a lawsuit or made a demand for payment**

Examples: Accidents, employment disputes, insurance claims, or rights to sue

☒ No☐ Yes. Describe each claim.....**34. Other contingent and unliquidated claims of every nature, including counterclaims of the debtor and rights to set off claims**☐ No☒ Yes. Describe each claim.....

Claims against Leon McKenzie and Sure Sports LLC related to business advice and obtaining loans for Debtor. This includes violation of the Florida Broker's Act, Deceptive and Unfair Trade Practice, Fraud, Breach of Fiduciary Duty

Unknown

Counterclaim against Rachel Kuechle in Erie County matter

Unknown**35. Any financial assets you did not already list**☒ No☐ Yes. Give specific information..**36. Add the dollar value of all of your entries from Part 4, including any entries for pages you have attached for Part 4. Write that number here.....****\$1,897,846.65****Part 5: Describe Any Business-Related Property You Own or Have an Interest In. List any real estate in Part 1.****37. Do you own or have any legal or equitable interest in any business-related property?**☒ No. Go to Part 6.☐ Yes. Go to line 38.**Part 6: Describe Any Farm- and Commercial Fishing-Related Property You Own or Have an Interest In.**

If you own or have an interest in farmland, list it in Part 1.

46. Do you own or have any legal or equitable interest in any farm- or commercial fishing-related property?☒ No. Go to Part 7.☐ Yes. Go to line 47.**Part 7: Describe All Property You Own or Have an Interest in That You Did Not List Above****53. Do you have other property of any kind you did not already list?**

Examples: Season tickets, country club membership

☒ No☐ Yes. Give specific information.....**54. Add the dollar value of all of your entries from Part 7. Write that number here****\$0.00**

Part 8: List the Totals of Each Part of this Form

55. Part 1: Total real estate, line 2		\$8,260,000.00
56. Part 2: Total vehicles, line 5	\$0.00	
57. Part 3: Total personal and household items, line 15	\$81,250.00	
58. Part 4: Total financial assets, line 36	\$1,897,846.65	
59. Part 5: Total business-related property, line 45	\$0.00	
60. Part 6: Total farm- and fishing-related property, line 52	\$0.00	
61. Part 7: Total other property not listed, line 54	\$0.00	
62. Total personal property. Add lines 56 through 61...	\$1,979,096.65	Copy personal property total \$1,979,096.65
63. Total of all property on Schedule A/B. Add line 55 + line 62		\$10,239,096.65

Fill in this information to identify your case:

Debtor 1 Evander Frank Kane

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: NORTHERN DISTRICT OF CALIFORNIA

Case number 21-50028
(If known)

Check if this is:

- ☒ An amended filing
- ☐ A supplement showing postpetition chapter 13 expenses as of the following date:

MM / DD / YYYY

Official Form 106J

Schedule J: Your Expenses

12/15

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach another sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Describe Your Household

1. Is this a joint case?

☒ No. Go to line 2.

☐ Yes. Does Debtor 2 live in a separate household?

☐ No

☐ Yes. Debtor 2 must file Official Form 106J-2, *Expenses for Separate Household* of Debtor 2.

2. Do you have dependents? ☐ No

Do not list Debtor 1 and Debtor 2.

☒ Yes. Fill out this information for each dependent.....

Dependent's relationship to Debtor 1 or Debtor 2

Dependent's age

Does dependent live with you?

Do not state the dependents names.

Wife

Daughter

6 months

☐ No

☒ Yes

☐ No

☒ Yes

☐ No

☐ Yes

☐ No

☐ Yes

3. Do your expenses include expenses of people other than yourself and your dependents? ☒ No
☐ Yes

Part 2: Estimate Your Ongoing Monthly Expenses

Estimate your expenses as of your bankruptcy filing date unless you are using this form as a supplement in a Chapter 13 case to report expenses as of a date after the bankruptcy is filed. If this is a supplemental *Schedule J*, check the box at the top of the form and fill in the applicable date.

Include expenses paid for with non-cash government assistance if you know the value of such assistance and have included it on *Schedule I: Your Income* (Official Form 106I.)

Your expenses

4. The rental or home ownership expenses for your residence. Include first mortgage payments and any rent for the ground or lot.

4. \$ 17,990.63

If not included in line 4:

4a. Real estate taxes

4a. \$ 3,333.00

4b. Property, homeowner's, or renter's insurance

4b. \$ 250.00

4c. Home maintenance, repair, and upkeep expenses

4c. \$ 500.00

4d. Homeowner's association or condominium dues

4d. \$ 0.00

5. Additional mortgage payments for your residence, such as home equity loans

5. \$ 0.00

6. Utilities:

6a. Electricity, heat, natural gas	6a. \$	600.00
6b. Water, sewer, garbage collection	6b. \$	600.00
6c. Telephone, cell phone, Internet, satellite, and cable services	6c. \$	370.00
6d. Other. Specify: <u>house alarm</u>	6d. \$	75.00
<u>lawn care</u>	\$	125.00

7. Food and housekeeping supplies7. \$ **8,000.00****8. Childcare and children's education costs**8. \$ **12,000.00****9. Clothing, laundry, and dry cleaning**9. \$ **200.00****10. Personal care products and services**10. \$ **500.00****11. Medical and dental expenses**11. \$ **0.00****12. Transportation.** Include gas, maintenance, bus or train fare.12. \$ **600.00**

Do not include car payments.

13. Entertainment, clubs, recreation, newspapers, magazines, and books13. \$ **300.00****14. Charitable contributions and religious donations**14. \$ **500.00****15. Insurance.**

Do not include insurance deducted from your pay or included in lines 4 or 20.

15a. Life insurance 15a. \$ **0.00**15b. Health insurance 15b. \$ **0.00**15c. Vehicle insurance 15c. \$ **600.00**15d. Other insurance. Specify: pet insurance 15d. \$ **60.00****16. Taxes.** Do not include taxes deducted from your pay or included in lines 4 or 20.Specify: 16. \$ **0.00****17. Installment or lease payments:**17a. Car payments for Vehicle 1 17a. \$ **4,353.42**17b. Car payments for Vehicle 2 17b. \$ **4,557.41**17c. Other. Specify: 17c. \$ **0.00**17d. Other. Specify: 17d. \$ **0.00****18. Your payments of alimony, maintenance, and support that you did not report as deducted from your pay on line 5, Schedule I, Your Income (Official Form 106I).**18. \$ **0.00****19. Other payments you make to support others who do not live with you.**\$ **15,000.00**Specify: MotherFatherGrandmotherUncles**20. Other real property expenses not included in lines 4 or 5 of this form or on Schedule I: Your Income.**20a. Mortgages on other property 20a. \$ **20,000.00**20b. Real estate taxes 20b. \$ **1,000.00**20c. Property, homeowner's, or renter's insurance 20c. \$ **400.00**20d. Maintenance, repair, and upkeep expenses 20d. \$ **400.00**20e. Homeowner's association or condominium dues 20e. \$ **150.00****21. Other:** Specify: Personal and pet care21. +\$ **750.00****22. Calculate your monthly expenses**

22a. Add lines 4 through 21.

22b. Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2

22c. Add line 22a and 22b. The result is your monthly expenses.

\$ **93,214.46**

\$

\$ **93,214.46****23. Calculate your monthly net income.**

23a. Copy line 12 (your combined monthly income) from Schedule I.

23a. \$ **2,083.33**

23b. Copy your monthly expenses from line 22c above.

23b. -\$ **93,214.46**23c. Subtract your monthly expenses from your monthly income.
The result is your *monthly net income*.23c. \$ **-91,131.13****24. Do you expect an increase or decrease in your expenses within the year after you file this form?**

For example, do you expect to finish paying for your car loan within the year or do you expect your mortgage payment to increase or decrease because of a modification to the terms of your mortgage?

☒ No.☐ Yes. Explain here: